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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,773	12/02/2003	Yinjun Zhu	20-526	1919

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EXAMINER

STEIN, JULIE E

ART UNIT PAPER NUMBER

2688

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,773

Applicant(s)

ZHU, YINJUN

Examiner

Julie E. Stein, Esq.

Art Unit

2688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. In response to Applicant's arguments, on page 6, line 22 of the originally filed specification it clearly states that Figure 2 is a drawing of an existing system and as Figure 2 is based on Figure 1, Figures 1 and 2 should be labeled as Prior Art.

Specification

3. In response to the amendment of the specification, specifically, the amendment to page 12, the previous objection to the disclosure is withdrawn.
4. However, the disclosure is objected to because of the following informalities: On page 1, line 20, "Control Plan" should be "User Plan".
5. In the Brief Description of the Drawings, it appears to the Examiner that based on the description in the specification, Figures 1 and 2 should be labeled as Prior Art, as it appears that the network layouts shown are known in the art.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. In claims 1 and 6, the term capable renders the claims indefinite as the term does not positively claim that the "directing IP connectivity over the internet" "is" "being transmitted. . ."

9. In claims 1 and 6, the term "message tunneling mechanism" is indefinite.

10. In claims 1 and 6, the term "a location service system" is indefinite. There is no previous recitation of a location service *system*, only two different managers in different networks, therefore the actual location of the "location service system" is unknown.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0229632 to Flynn et al. in view of U.S. Patent No. 6,219,557 to Havinis and further in view of U.S. Patent Application No. 2003/0072318 to Lam et al.

Flynn teaches all the steps/elements of independent claims 1 and 6, including a method and apparatus for providing a User Plan location based service to a roaming wireless device (abstract), comprising: (means for) establishing a roaming interface (paragraphs 8 to 10) between a home LCS manager of a home wireless carrier network (Id. and paragraph 38 to 39) and a visited LCS manager of a currently visited wireless carrier network (paragraphs 8 to 10 and 40 to 41); and (means for) providing a message tunneling mechanism (paragraphs 42 to 43, Lr interface) to provide an uninterrupted communication path between a location service system (Id. and Figure 1) and a wireless device being located (Id.).

However, Flynn does not explicitly teach (means for) directing IP connectivity over the Internet capable of being transmitted through a firewall in said home wireless carrier network and through a firewall in said visited wireless carrier network. But Flynn does teach that communication between the LCSs occurs on the Lr interface (paragraph 42) and that the LCSs may be GMLCs (paragraph 66).

However, Havinis teaches a method of handling LCS location requests using a GMLC (column 5, lines 7 to 54) and (means for) directing IP connectivity over the Internet (column 2, lines 3 to 4, describing a data call, which is through an internet connection).

In addition, Lam teaches that firewalls are well known in the art, are used as filtering devices to protect networks from unauthorized access, may be placed in various locations within networks, and that routers may be configured to accelerate packet forwarding through them. See paragraphs 20 and 24. Lam also teaches that it is well

Art Unit: 2688

known to use firewalls between home carrier networks and visited carrier networks, as shown for example in Figure 1, in which a firewall is shown in use with a SGSN and a GGSN.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Flynn to use the method of Havinis including the GMLC to locate a mobile device in response to a LCS request because Havinis teaches a multi-transactional method which, allows a network to work smarter by handling requests in parallel. See Havinis, abstract and column 1, lines 10 to 14. In addition, it would have been obvious to one of ordinary skill in the art to understand that the method of Flynn would also have to include the functionality of having the location information packets pass through firewalls between the home and visitor carrier networks as taught by Lam because it is well known that firewalls are used to protect various parts of networks. See Lam, paragraph 24.

Flynn in view of Havinis and further in view of Lam teaches all the steps/elements of claims 2-5 and 7-10, including the roaming wireless device being a mobile telephone, a PDA, a wireless email device, or a wireless device including a camera. See Havinis, column 1, lines 38 to 43, and Lam, paragraph 16.

Response to Arguments

13. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

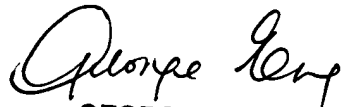
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie E. Stein, Esq. whose telephone number is (571) 272-7897. The examiner can normally be reached on M-F (8:30 am-5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JES


GEORGE ENG
SUPERVISORY PATENT EXAMINER